

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY

501 CMR 13.00: STANDARDS FOR IDENTIFICATION CARDS FOR RETIRED LAW ENFORCEMENT OFFICERS

- 13.01: Purpose
- 13.02: Statutory Authorization
- 13.03: Definitions
- 13.04: Issuance of Identification Card
- 13.05: Standard Components of Identification Cards
- 13.06: Eligibility for Training
- 13.07: Severability Clause

13.01 Purpose

The purpose of 501 CMR 13.00 is to establish rules and regulations governing the standards for identification cards for retired law enforcement officers to comply with the provisions of the Federal Law Enforcement Officers Safety Act of 2004.

13.02 Statutory Authorization

501 CMR 13.00 is promulgated pursuant to M.G.L. c. 140, § 131(r), and Chapter 44 of Title 18 of the United States Code.

13.03 Definitions

For the purpose of these regulations, the words shall have the following meanings: --

Chief Law Enforcement Officer: the chief of a municipal police department; the Colonel of the Department of State Police; the Chief of the Massachusetts Bay Transportation Authority Transit Police department; the commander of a qualifying law enforcement agency; or his or her designee.

Law Enforcement Agency: A municipal police department, the Department of State Police, the Massachusetts Bay Transportation Authority Transit Police department, and any other governmental body which, in the opinion of the Secretary, employs full time police officers who are (a) authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of the law, and (b) have statutory powers of arrest.

Qualified Retired Law Enforcement Officer: An individual who:

- (a) retired in good standing from service with a law enforcement agency as a law enforcement officer, other than for reasons of mental instability;
- (b) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (c) (1) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
(2) retired from service with such agency after completing any applicable probationary period of such service due to a service-connected disability, as determined by such agency;
- (d) has a nonrefundable right to benefits under the retirement plan of the agency;
- (e) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (f) is not prohibited by Federal law from receiving a firearm.

Secretary. The Secretary of Public Safety or his or her designee.

13.04 Issuance of Identification Card

The chief law enforcement officer for a law enforcement agency shall issue an identification card to a qualified retired law enforcement officer who retired from that law enforcement agency.

13.05 Standard Components of Identification Cards

Identification cards for qualified retired law enforcement officers shall, at a minimum, contain the following information:

- (a) On the front of the card:
 - (1) the name of the qualified retired law enforcement officer;
 - (2) the name and business address of the law enforcement agency issuing the identification card;
 - (3) the date the law enforcement agency issued the identification card;
 - (4) a photograph of the qualified retired law enforcement officer;
 - and

(5) the signature of the qualified retired law enforcement officer.

(b) On the back of the card:

- (1) A statement which reads: “The person whose photograph and signature appear hereon is a qualified retired law enforcement officer in good standing, pursuant to Title 18 U.S.C. § 926C and 501 CMR 13.03. This identification, together with a Law Enforcement Officers Safety Act Training and Certification Card, allows the person appearing hereon to carry a concealed firearm in accordance with the provisions of Title 18 U.S.C. § 926C. Unlawful possession of police identification or posing as a police officer is a criminal offense.”;
- (2) The telephone number to contact the law enforcement agency issuing the identification card; and
- (3) The date of birth of the qualified retired law enforcement officer.

13.06 Eligibility for Training

A qualified retired law enforcement officer must obtain an identification card from the law enforcement agency that formerly employed such officer in order for such officer to be eligible for training by a LEOSA instructor certified by the Department of State Police, pursuant to 515 CMR 6.00.

13.07 Severability Clause

If any article, section, subsection, sentence, clause or phrase of 501 CMR 13.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 13.00.